

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

ERIC TOLONEN,

Plaintiff,

V.

Case No. \_\_\_\_\_

MARY MOORE, ROBERT MARTIN,  
BOB AHLBORG, JEN KUYSEN,

Defendants.

COMPLAINT UNDER 42 U.S.C. 1983

NATURE OF PROCEEDINGS:

1. This is a civil action under 42 U.S.C.  
1983, for the violation of the Plaintiff

Tolonen's rights under the Eighth Amendment to the United States Constitution. Tolonen alleges that the Defendants have failed to provide him with adequate medical care and have been deliberate indifferent to his serious medical needs. Tolonen alleges that: (1) Defendant Mary Moore has been persisting in treatments that are ineffective for his chronic hernia plug, hernia mesh, and lower back pain. (2) Plaintiff had a stroke and Defendants Robert Martin, Bob Ahlborg, and Jen Kuysen failed to treat him and failed to send him to the hospital.

(3) Defendants Ahlborg and Kuysen have been retaliating against Tolonen by threatening him.

### JURISDICTION & VENUE:

2. Plaintiff Tolonen is suing for a violation of federal law under 28 U.S.C. 1331.

3. Venue is proper in this Court, as the claims arose in this Court's jurisdiction, and this is the jurisdiction in which Tolonen resides.

### DECLARATORY RELIEF:

4. Tolonen seeks Declaratory Relief pursuant to 28 U.S.C. 2201 and 2202.

## PARTIES:

5. Plaintiff Eric Tolonen is a citizen of the State of Wisconsin, and is currently confined at Waupun Correctional Institution.

6. Defendant Mary Moore is a Nurse Practitioner at Waupun Correctional Institution.

7. Defendant Robert Martin was a Nurse Practitioner at Waupun Correctional Institution.

8. Defendant Bob Ahlberg is a Registered Nurse at Waupun Correctional Institution.

9. Defendant Jen Kuysen is a Registered Nurse at Waupun Correctional Institution.

## EXHAUSTION OF ADMINISTRATIVE REMEDIES:

10. Plaintiff Tolonen alleges that he has properly exhausted his administrative remedies on ineffective treatment for hernia mesh pain; the failure to treat his stroke when it was an emergency - and send him to the hospital; and the retaliation claims.

## STATEMENT OF CLAIM:

11. Deliberate indifference to a serious medical need: Nurse Practitioner Mary Moore has been persisting in a course of treatment known to be ineffective for Tolonen's hernia plug, hernia mesh, and lower back pain.



12. The Plaintiff Eric Tolonen is an inmate at Waupun Correctional Institution. He alleges that since his bilateral inguinal hernia surgery in May of 2015, the Wisconsin DOC-HSU has been prescribing ineffective over-the-counter medications and ineffective psychotropic medications for his ongoing pain as a result of a hernia plug, and hernia mesh in his groin area, and he also suffers lower back pain.

13. Since January of 2020 to the current date, Defendant Mary Moore has been doggedly persisting in a course of treatment known to be ineffective. Moore has been prescribing

ineffective over-the-counter medications and antidepressants for Tolonen's chronic hernia plug, hernia mesh, and lower back pain, which Tolonen asserts have been ineffective in treating his pain. And when Tolonen requested an adequate medication - Gabapentin - Defendant Moore stated it was restricted and only allowed in certain cases. Tolonen seeks damages from Defendant Mary Moore for these reasons.

14. Deliberate indifference to a serious medical need: Plaintiff Tolonen had a stroke and Defendants Robert Martin, Bob Ahlborg, and Jen Kuysen failed to treat him and failed

to send him to the hospital.

15. Plaintiff Tolonen also alleges that around May 16, 2019, he had a stroke and Defendants Martin, Ahlberg, and Kuyser failed to treat him and failed to send him to the hospital.

Around May 13, 2019, Tolonen asked a Corrections Officer, when he was housed in cell C-3 in the North Cell Hall at Waupun Correctional Institution, to be placed in Observation Status because he was feeling suicidal due to some severe chest pains he was having. Tolonen was then restrained and brought to the Restrictive Housing Unit to be



placed in Observation Status. For the next couple of days, Tolonen's chest pains got worse and worse until May 16, 2019, when he had a stroke. On May 16, 2019, Tolonen continuously pressed the emergency call button - over thirty times - to inform staff that he was experiencing severe chest pains and thought he was having a stroke. This was all on camera due to being in Observation Status. When DOC staff responded on the speaker - about ten out of the thirty times - they joked about his condition, and didn't take it seriously. At the time that Tolonen was having a stroke, staff even turned off the

water in his cell, so he didn't have any water to drink. At the time of Tolonen's stroke, he kept yelling over and over: "Help! Help! I'm having a stroke!" And staff never came to his door. Defendants Martin, Ahlberg, and Kuysen just sat there and deliberately refused to treat Tolonen, and ignored his pleas for help, and they left him lying on the ground in his own puke in his cell, until the next day when he woke up weak and confused. For these reasons, Tolonen seeks damages from Martin, Ahlberg, and Kuysen.

16. Retaliation: Defendants Ahlborg and Kuysen have threatened the Plaintiff.

Defendants Ahlborg and Kuysen have been retaliating against Tolonen by threatening him. Tolonen noticed this when he was in Segregation, the Restrictive Housing Unit in cell A-113, where he overheard Ahlborg and Kuysen state from December 1, 2020 to December 23, 2020, over and over the following:

- Ahlborg: "I'm going to shoot him. He's sick."

- Kuysen: "He needs to die. I hate him."

Ahlborg and Kuysen were saying this because they believed Tolonen was lying about his pain. They finally stopped saying this after Tolonen filed an Inmate Complaint on December 23, 2020, alleging Nurse Ahlborg was stating he was going to shoot him. Complaint Number WCI-2020-22203.

17. Then, from May 12, 2021 to May 21, 2021, Tolonen was again in Segregation, in which he overheard Nurse Bob Ahlborg state over and over the following:



- Ahlborg: "I'm going to shoot him in his face." "I'm going to shoot up his house." "I'm going to shoot his family."

Tolonen knows Ahlborg was talking about him because he heard his name "Eric" mentioned in the conversations. And he has been targeted by WCI staff for eight months now, since September 28, 2020, when Tolonen threatened WCI staff with a lawsuit. Since then, WCI staff has been watching Tolonen's every move and retaliating and targeting him. Tolonen seeks damages from Ahlborg



Kuysen for these reasons.

18. Plaintiff Tolonen herein reenforces paragraphs 1-17 against Defendants Moore, Martin, Ahlberg, and Kuysen.

### RELIEF REQUESTED:

19. Plaintiff Tolonen requests a jury to hear his case.

20. Plaintiff Tolonen respectfully requests that this Court Declare that his rights have been violated, and explain this in a Decision and Order.

21. Plaintiff Tolonen asks for a Damage Award of \$ 20,000.00. Or,

an amount to be determined by a jury.  
This includes compensatory, punitive,  
and nominal damages.

22. Plaintiff reserves his right to add  
Defendants and Claims throughout these  
proceedings, as well as additional facts.

23. Any other relief this Court deems  
necessary.

I declare under the penalty of perjury that  
the foregoing is true and correct.

Complaint signed this 23<sup>rd</sup> day of May 2021.

Respectfully Submitted,

*Eric Tolonen*

Eric Tolonen #424269

Waupun Correctional Institution

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